

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

KARIEM MOORE,
Plaintiff,

v.

VIRGINIA DEP'T OF CORR.,
Defendant.

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Civil Action No. 7:23cv00344

OPINION and ORDER

By: Robert S. Ballou
United States District Judge

Plaintiff Kariem Moore, a Virginia inmate proceeding *pro se*, has filed a civil rights action pursuant to 42 U.S.C. § 1983. His complaint names only one defendant, the Virginia Department of Corrections. He claims that the prison system is ignoring his doctors' advice and not providing the medical accommodations he needs to have meaningful access to programs, activities, and self-care in his current prison location. Because the Virginia Department of Corrections is not a proper party under § 1983, I will dismiss this suit.

Section 1983 imposes liability on a "person" who subjects another to deprivation of rights secured by the Constitution. The Virginia Department of Corrections is not a person. Neither "states nor governmental entities that are considered arms of the state for Eleventh Amendment purposes" are persons within the meaning of § 1983. *Will v. Michigan Dep't of State Police*, 491 U.S. 58, 70 (1989). The Virginia Department of Corrections is an arm of the state, and thus is entitled to immunity from suit under the Eleventh Amendment. *Reffitt v. Nixon*, 917 F. Supp. 409, 413 (E.D. Va. 1996).

The complaint is **DISMISSED** on the grounds that the defendant is immune from suit, and this matter is **STRICKEN** from the docket of this court.

The Clerk is directed to send a copy of this opinion and order to Mr. Moore.

Enter: March 1, 2024

/s/ Robert S. Ballou

Robert S. Ballou
United States District Judge